

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Nursing Home Care Act is amended by changing
5 Sections 2-110 and 2-201.5 and by adding Sections 2-216 and
6 3-202.3 as follows:

7 (210 ILCS 45/2-110) (from Ch. 111 1/2, par. 4152-110)

8 Sec. 2-110. (a) Any employee or agent of a public agency,
9 any representative of a community legal services program or any
10 other member of the general public shall be permitted access at
11 reasonable hours to any individual resident of any facility,
12 but only if there is neither a commercial purpose nor effect to
13 such access and if the purpose is to do any of the following:

14 (1) Visit, talk with and make personal, social and legal
15 services available to all residents;

16 (2) Inform residents of their rights and entitlements and
17 their corresponding obligations, under federal and State laws,
18 by means of educational materials and discussions in groups and
19 with individual residents;

20 (3) Assist residents in asserting their legal rights
21 regarding claims for public assistance, medical assistance and
22 social security benefits, as well as in all other matters in
23 which residents are aggrieved. Assistance may include
24 counseling and litigation; or

25 (4) Engage in other methods of asserting, advising and
26 representing residents so as to extend to them full enjoyment
27 of their rights.

28 (a-5) If a resident of a licensed facility is a registered
29 sex offender or is serving a term of probation, parole,
30 mandatory supervised release, or any form of court-ordered
31 supervision, any federal, State, or local law enforcement
32 officer or county probation officer shall be permitted access

1 to the individual resident to verify compliance with the
2 requirements of the Sex Offender Registration Act or to verify
3 compliance with applicable terms of probation, parole,
4 mandatory supervised release, or court-ordered supervision.

5 (b) All persons entering a facility under this Section
6 shall promptly notify appropriate facility personnel of their
7 presence. They shall, upon request, produce identification to
8 establish their identity. No such person shall enter the
9 immediate living area of any resident without first identifying
10 himself and then receiving permission from the resident to
11 enter. The rights of other residents present in the room shall
12 be respected. A resident may terminate at any time a visit by a
13 person having access to the resident's living area under this
14 Section.

15 (c) This Section shall not limit the power of the
16 Department or other public agency otherwise permitted or
17 required by law to enter and inspect a facility.

18 (d) Notwithstanding paragraph (a) of this Section, the
19 administrator of a facility may refuse access to the facility
20 to any person if the presence of that person in the facility
21 would be injurious to the health and safety of a resident or
22 would threaten the security of the property of a resident or
23 the facility, or if the person seeks access to the facility for
24 commercial purposes. Any person refused access to a facility
25 may within 10 days request a hearing under Section 3-703. In
26 that proceeding, the burden of proof as to the right of the
27 facility to refuse access under this Section shall be on the
28 facility.

29 (Source: P.A. 82-783.)

30 (210 ILCS 45/2-201.5)

31 Sec. 2-201.5. Screening prior to admission.

32 (a) All persons age 18 or older seeking admission to a
33 nursing facility must be screened to determine the need for
34 nursing facility services prior to being admitted, regardless
35 of income, assets, or funding source. In addition, any person

1 who seeks to become eligible for medical assistance from the
2 Medical Assistance Program under the Illinois Public Aid Code
3 to pay for long term care services while residing in a facility
4 must be screened prior to receiving those benefits. Screening
5 for nursing facility services shall be administered through
6 procedures established by administrative rule. Screening may
7 be done by agencies other than the Department as established by
8 administrative rule. This Section applies on and after July 1,
9 1996.

10 (b) In addition to the screening required by subsection
11 (a), registered sex offenders, or offenders serving terms of
12 probation, parole, mandatory supervised release, or any form of
13 court-ordered supervision, who seek admission to a licensed
14 facility shall not be admitted unless the licensed facility
15 complies with the requirements of the Department's
16 administrative rules adopted pursuant to Section 3-202.3.

17 (Source: P.A. 91-467, eff. 1-1-00.)

18 (210 ILCS 45/2-216 new)

19 Sec. 2-216. Offenders as residents; notification of
20 residents and guardians. If registered sex offenders or
21 offenders serving terms of probation, parole, mandatory
22 supervised release, or any form of court-ordered supervision
23 are residents of the licensed facility, the licensed facility
24 shall notify every resident or resident's guardian in writing
25 that such offenders are residents of the licensed facility.

26 (210 ILCS 45/3-202.3 new)

27 Sec. 3-202.3. Rules; violent offenders, including but not
28 limited to registered sex offenders, as residents. No later
29 than 30 days after the effective date of this amendatory Act of
30 the 94th General Assembly, the Department shall file with the
31 Joint Committee on Administrative Rules, pursuant to the
32 Illinois Administrative Procedure Act, a proposed rule or a
33 proposed amendment to an existing rule regarding the provision
34 of services to violent offenders, including registered sex

1 offenders. The proposed rule or proposed amendment to an
2 existing rule shall provide for, or include, the following:

3 (1) A process for the identification of violent
4 offenders, including sex offenders.

5 (2) A required risk assessment of identified
6 offenders.

7 (3) A requirement that a licensed facility be required,
8 not less than twice per calendar year, to compare a list of
9 its residents against the Illinois Department of
10 Corrections and Illinois State Police sex offender
11 registration databases.

12 (4) The care planning of identified offenders, which
13 shall include, but not be limited to, a description of the
14 security measures necessary to protect facility residents
15 from the identified offender, including whether the
16 identified offender should be segregated from other
17 facility residents.

18 (5) The treatment of identified offenders.

19 (6) The discharge planning for identified offenders.

20 Section 10. The Unified Code of Corrections is amended by
21 changing Section 3-14-1 as follows:

22 (730 ILCS 5/3-14-1) (from Ch. 38, par. 1003-14-1)

23 Sec. 3-14-1. Release from the Institution.

24 (a) Upon release of a person on parole, mandatory release,
25 final discharge or pardon the Department shall return all
26 property held for him, provide him with suitable clothing and
27 procure necessary transportation for him to his designated
28 place of residence and employment. It may provide such person
29 with a grant of money for travel and expenses which may be paid
30 in installments. The amount of the money grant shall be
31 determined by the Department.

32 The Department of Corrections may establish and maintain,
33 in any institution it administers, revolving funds to be known
34 as "Travel and Allowances Revolving Funds". These revolving

1 funds shall be used for advancing travel and expense allowances
2 to committed, paroled, and discharged prisoners. The moneys
3 paid into such revolving funds shall be from appropriations to
4 the Department for Committed, Paroled, and Discharged
5 Prisoners.

6 (b) (Blank).

7 (c) Except as otherwise provided in this Code, the
8 Department shall establish procedures to provide written
9 notification of any release of any person who has been
10 convicted of a felony to the State's Attorney and sheriff of
11 the county from which the offender was committed, and the
12 State's Attorney and sheriff of the county into which the
13 offender is to be paroled or released. Except as otherwise
14 provided in this Code, the Department shall establish
15 procedures to provide written notification to the proper law
16 enforcement agency for any municipality of any release of any
17 person who has been convicted of a felony if the arrest of the
18 offender or the commission of the offense took place in the
19 municipality, if the offender is to be paroled or released into
20 the municipality, or if the offender resided in the
21 municipality at the time of the commission of the offense. If a
22 person convicted of a felony who is in the custody of the
23 Department of Corrections or on parole or mandatory supervised
24 release informs the Department that he or she has resided,
25 resides, or will reside at an address that is a housing
26 facility owned, managed, operated, or leased by a public
27 housing agency, the Department must send written notification
28 of that information to the public housing agency that owns,
29 manages, operates, or leases the housing facility. The written
30 notification shall, when possible, be given at least 14 days
31 before release of the person from custody, or as soon
32 thereafter as possible.

33 (c-1) (Blank).

34 (c-5) If a person who is in the custody of the Department
35 of Corrections or on parole or mandatory supervised release
36 informs the Department, or if the Department becomes aware

1 during the person's term of parole, mandatory supervised
2 release, or court-ordered supervision, that he or she intends
3 to reside in or has become a resident at a facility licensed by
4 the Illinois Department of Public Health, the Illinois
5 Department on Aging, or the Illinois Department of Human
6 Services, the Department of Corrections shall provide copies of
7 the following information to the licensing Department within 3
8 days after the person's release, placement, or notification of
9 residence:

10 (1) All information from the committing court.

11 (2) The social evaluation prepared pursuant to Section
12 3-8-2.

13 (3) Any pre-release evaluation conducted pursuant to
14 subsection (j) of Section 3-6-2.

15 (4) Reports of disciplinary infractions and
16 dispositions.

17 (5) Any parole plan, including orders issued by the
18 Prisoner Review Board, and any violation reports and
19 dispositions.

20 (c-10) If a person who is in the custody of the Department
21 of Corrections or on parole or mandatory supervised release
22 informs the Department, or if the Department becomes aware
23 during the person's term of parole, mandatory supervised
24 release, or court-ordered supervision, that he or she intends
25 to reside in or has become a resident at a facility licensed by
26 the Illinois Department of Public Health, the Illinois
27 Department on Aging, or the Illinois Department of Human
28 Services, the Department of Corrections shall provide written
29 notification, within 3 days after the person's release,
30 placement, or notification, to the following:

31 (1) The Prisoner Review Board.

32 (2) The chief of police and sheriff in the municipality
33 and county in which the licensed facility is located.

34 (d) Upon the release of a committed person on parole,
35 mandatory supervised release, final discharge or pardon, the
36 Department shall provide such person with information

1 concerning programs and services of the Illinois Department of
2 Public Health to ascertain whether such person has been exposed
3 to the human immunodeficiency virus (HIV) or any identified
4 causative agent of Acquired Immunodeficiency Syndrome (AIDS).

5 (e) Upon the release of a committed person on parole,
6 mandatory supervised release, final discharge, or pardon, the
7 Department shall provide the person who has met the criteria
8 established by the Department with an identification card
9 identifying the person as being on parole, mandatory supervised
10 release, final discharge, or pardon, as the case may be. The
11 Department, in consultation with the Office of the Secretary of
12 State, shall prescribe the form of the identification card,
13 which may be similar to the form of the standard Illinois
14 Identification Card. The Department shall inform the committed
15 person that he or she may present the identification card to
16 the Office of the Secretary of State upon application for a
17 standard Illinois Identification Card in accordance with the
18 Illinois Identification Card Act. The Department shall require
19 the committed person to pay a \$1 fee for the identification
20 card.

21 For purposes of a committed person receiving an
22 identification card issued by the Department under this
23 subsection, the Department shall establish criteria that the
24 committed person must meet before the card is issued. It is the
25 sole responsibility of the committed person requesting the
26 identification card issued by the Department to meet the
27 established criteria. The person's failure to meet the criteria
28 is sufficient reason to deny the committed person the
29 identification card. An identification card issued by the
30 Department under this subsection shall be valid for a period of
31 time not to exceed 30 calendar days from the date the card is
32 issued. The Department shall not be held civilly or criminally
33 liable to anyone because of any act of any person utilizing a
34 card issued by the Department under this subsection.

35 The Department shall adopt rules governing the issuance of
36 identification cards to committed persons being released on

1 parole, mandatory supervised release, final discharge, or
2 pardon.

3 (Source: P.A. 91-506, eff. 8-13-99; 91-695, eff. 4-13-00;
4 92-240, eff. 1-1-02.)

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.